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PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE PROCEEDINGS:

A meeting of the House Public Health, Welfare and Safety Committee was held on Thursday, March 24, 1977 at 10:00 a.m. in Room 431 of the State Capitol. All members were present with the exception of Reps. Palmer, Colburn and Ryan, who were excused, and the Chairman Rep. Menahan arrived later in the meeting. Vice-Chairman Holmes called the meeting to order.

HOUSE JOINT RESOLUTION 92, sponsored by Rep. Gould, was heard. He explained that Senator Hager and himself had put this resolution together. Rules had been suspended in order that this important measure could be introduced. The resolution deals with the forthcoming ban on saccharin; this will strengthen our Congressional hand in Washington D.C. The Delaney Amendment states that if there were tests made on humans or animals, done in a regular fashion, which caused cancer, the product would be deleted from the market. What the FDA has determined to be such an experiment is a study done in Canada in which rats were fed a 5% dose of saccharin, which amounts to about 800 cans of diet cola a day, or 140 pounds of saccharin a year for a human. Saccharin is a necessity for diabetics and also people with weight problems or heart disease. Lives will be lost by just the overweight population alone, if this ban takes place. Saccharin was invented in 1879; nobody has died of saccharin poisoning yet.

Rep. Gould then turned the testimony over to Senator Hager. Senator Hager pointed out that both he and Rep. Gould are diabetics. There are many child diabetics who have a hard time getting regulated. A child who is a diabetic is forced to control himself and to learn how to use a needle to give himself injections. (Pills are usually used only on adults.) At the time cyclamates were banned, in 1969, the government promised that a substitute would be on the market soon; thus far this has not happened. The bureaucrats in Washington seem to think they are going to go ahead and ban saccharin, and not listen to anyone. This resolution will be a message to them. Also, the companies who had to discontinue selling cyclamates were given no economic assistance or relief, and were forced to absorb a great loss. Tests on tobacco have yielded similar results to those on saccharin, however there has been no ban on tobacco. There is a bill in Congress at present, introduced by Congressman James Martin, that would modify the Delaney Amendment. He offered an amendment to the resolution at this time to include this man's name on page 2, line 19 after "Delegation,". Vernon E.

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Sloulin, Department of Health, then spoke. He agrees with this resolution. Food coloring is not needed, but saccharin we do need. The Delaney Amendment has to be changed. It isn't the FDA's fault for making this decision to ban, because they have been mandated by the Delaney Amendment to do so, and had no choice.

There were no opponents to HJR 92. Senator Hager closed. They did try these tests in monkeys also, and cancer was not detected. There were no questions.

The committee then went into executive session and considered the following bills:

HOUSE JOINT RESOLUTION 92 - Rep. Feda moved the amendment suggested by Senator Hager. Rep. Gunderson moved that the resolution DO PASS AS AMENDED. Motion carried unanimously.

SENATE BILL 399 - Rep. Wyrick moved that it BE CONCURRED IN. Rep. Menahan seconded the motion. Rep. Kenny made a substitute motion that it BE NOT CONCURRED IN. Rep. Harper seconded this motion. Rep. Cooney spoke on the motion. He doesn't think this would allow the chiropractors to get into the medical field. The pamphlets used as evidence at the hearing on this bill might have been found in one chiropractor's office, but they did not say that anything was definitely being cured; they only said there was a possibility that chiropractic services could cure these ailments. Rep. Menahan then spoke. He had received further information concerning the X-ray radiation question. The body is not over-exposed; only the film can be over-exposed. He then stated the sentiment that this was a jurisdictional dispute, which would be better solved between the chiropractors and the Board of Medical Examiners. He was also told that this bill would not give the chiropractors any more rights than they now have. If this bill passed the Senate, then it must have some merit, as several of the members of that body are doctors.

Rep. Harper then moved to amend the bill as follows: (1) Page 1, line 25 - strike the word "operative", and (2) Page 2, line 4, add "and" after "mechanical," and strike "and other such". Rep. Stobie then brought up a problem he had, occurring on page 1, line 23. The bill says "and includes the use of recognized diagnostic and treatment methods as taught in chiropractic colleges", but it does not specify that the chiropractor be educated in these methods. Rep. Wyrick then asked Dr. Dahl, Montana Chiropractic Association, his opinion of the amendments suggested by Rep. Harper. Dr. Dahl explained that sometimes surgery was defined to include simple taping of a foot or

other part of the body. The word "operative" was included in the bill for that reason. He pointed out that about 26 states have used this same definition. He stated that he felt the bill did not need amending. Rep. Holmes asked him that if this bill and its companion bill SB 425 did pass, would that enable the chiropractors to settle their problems outside of the Legislature. He replied that it would accomplish this. At present, a chiropractor has to be convicted of a felony before the Board of Medical Examiners has any jurisdiction over him. Rep. Harper then amended his motion to exclude the striking of the word "operative" on page 1. Rep. Harper then asked Dr. Dahl what he thought about the remaining amendment. He replied that this wording had been used so all of the other devices used would not have to be spelled out. Rep. Harper stated he wished to leave his motion as it stood. Question was called for and the motion carried with Rep. Holmes opposed.

Rep. Gunderson then moved to delete the word "operative" on page 1, as Rep. Harper's motion had originally done. Discussion. Rep. Harper asked the opinion of the committee attorney, Bob Pyfer, on this matter. Mr. Pyfer stated that this question would be up to expert testimony, in front of a jury. Possibly taping an ankle would be prohibited under this definition. Also, a conflict with another section of the law might be being created. He felt that whatever this bill said would not make much difference because the other law would overrule it. Rep. Fedak commented that the committee should pass SB 425 and kill this bill, and let these people come back in two years with this bill. Rep. Holmes then asked Mr. Ron Richards if passage of SB 425 and the death of this bill would create problems. He didn't think so. Rep. Cooney explained that this bill, SB 399, would set up guidelines for SB 425. Rep. Porter disagreed, stating that one bill covered licensing and the other covered practice, and they didn't really need to go together. Also, according to information presented to him, X-raying is not mandated by federal law. If the doctor treats the Medicaid patient, only then does an X-ray have to be taken. He objected to chiropractors taking these X-rays, as opposed to the professional X-ray technicians doing the job. He questioned whether there was enough training in the chiropractic profession to give them the ability to do the things they were doing. He also questioned who accredited the chiropractors. Concerning the "X-ray business", he feels that the committee was not given total information. He feels the dietetic matter is a "lot of eyewash". Rep. Kimble then spoke. There has been a traditional bias against chiropractors in this country. People are oriented to the "family physician" image. There are many remedies

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that chiropractors can accomplish. In terms of law-making, we should at least be fair. Rep. Cooney then presented to Rep. Porter information given him by several chiropractors, which he hoped would help clear up some of his problems. Rep. Harper stated that he felt that the doctors did have some legitimate concerns about the bill. He is not in objection to deleting the word "operative", however, in light of what Mr. Pyfer had said. As far as the X-ray problem goes, he feels that it is too bad that Medicare requires this. However, this bill is not the place where this problem can be handled. The question was then called for. Motion carried; see roll call vote.

Rep. Menahan then made a motion for all motions pending that SB 399 BE CONCURRED IN AS AMENDED. Rep. Wyrick seconded the motion. Discussion. Rep. Jensen said that he truly beleived this bill would simply redefine chiropractic. Rep. Stobie then brought up his previously suggested amendment. He also questioned how the chiropractors were going to get into the dietetic field. He is concerned about the chiropractors using some of the analytic instruments, which sometimes require a lot of training on how to interpret results. He is not ready to turn over these functions to a group which, in his opinion, might not have the proper training. Rep. Harper then directed this problem at Mr. Pyfer, who pointed out that in Section 2 of the bill, specific examples showing what chiropractors could use were outlined. The question of whether Section 1 served to broaden the meaning of Section 2 is subject to interpretation. In his opinion, Section 1 is a definition, and Section 2 is the direct authorization. He believes Section 2 would restrict Section 1. The question was then called for. Motion carried; see roll call vote.

SENATE BILL 425 - Rep. Cooney moved that it BE CONCURRED IN. Rep. Wyrick seconded the motion. Rep. Porter spoke. This exempts the municipalities from levying a small tax on the doctors. Why should they be emempted when others are not? Rep. Cooney then spoke. Mr. Ed Carney, Dept. of Professional and Occupational Licensing, had spoken to him concerning this matter. He said this was being put in the bill because that was the way they were working the professional licensing laws now. Rep. Kenny said he had also talked to Mr. Carney, and he mentioned that lawyers were exempted under this, also. In Great Falls a city ordinance requires all business offices to be licensed. This bill would prohibit a municipality from doing this. Rep. Holmes suggested an amendment which would provide that the exemption would only apply to chiropractors. Rep. Kenny moved to strike Section 2 in its entirety.

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Rep. Harper spoke. This does not apply to the business tax. He then directed the question to Mr. Pyfer, who said that it looked as though the exemption could be applied to establishment taxes as well. Close to 1/2 of the licensing laws provide a similar exemption. He suggested an amendment that would clarify this. Rep. Harper moved the amendment. Discussion. Rep. Porter stated that the amendment would take care of his objection. Question was called for and the motion carried unanimously. Rep. Cooney then amended his original motion to direct that the bill BE CONCURRED IN AS AMENDED. Motion carried unanimously.

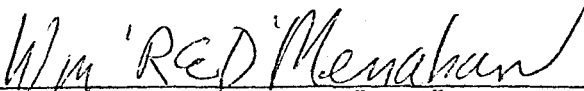
Rep. Kenny then went on record as stating that "Our intelligence is being insulted by having a re-hearing. The chiropractors have been lobbying the committee members. They have prompted committee members to ask them questions, and this is not right."

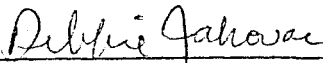
The chair was then turned back over to Rep. Menahan.

SENATE BILL 355 - Discussion took place. Rep. Menahan expressed his difficulty with allowing social workers to give this information. In his opinion they are not the proper channel to use. Rep. Porter concurred with Rep. Menahan. He felt the bill would weaken the family structure. He moved that the bill BE NOT CONCURRED IN. Rep. Menahan then added that the idea of the bill was to be restrictive. Rep. Holmes pointed out that many people are "getting into trouble" because they don't have this kind of service. She believes the sponsor was disappointed that this bill had been amended by the Senate. Amendments which the sponsor had presented at the hearing were then reviewed. Rep. Kenny spoke in agreement with Rep. Porter's motion. Rep. Harper brought up a problem he had with Section 4 of the bill. This would require that persons of all ages receive this counseling, and this would include persons who undoubtedly would not really need such counseling.

The question was then called for and the motion carried; see roll call vote.

The meeting was adjourned.

  
Chairman - Rep. Wm. "Red" Menahan

  
Secretary